

**CITY OF DUBUQUE, IOWA  
CITY COUNCIL PROCEEDINGS**

The Dubuque City Council met in regular session at 6:30 p.m. on March 5, 2012 in the Historic Federal Building, 350 W. 6<sup>th</sup> Street.

Present: Mayor Buol; Council Members Braig, Connors, Jones, Lynch, Resnick, Sutton; City Manager Van Milligen, City Attorney Lindahl

Mayor Buol read the call and stated this is a regular session of the City Council called for the purpose of conducting such business that may properly come before the Council.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**CONSENT ITEMS**

Motion by Lynch to receive and file the documents, adopt the resolutions, and dispose of as indicated. Seconded by Resnick. Motion carried 7-0.

Minutes and Reports Submitted: Airport Commission of 11/14/11; City Council Proceedings of 2/16, 2/20, 2/21, 2/23, and 2/27; Community Development Advisory Commission of 2/15; Library Board of Trustees of 1/26 and 2/9; Long Range Planning Advisory Commission of 2/15; Sister City Relationships Advisory Commission of 2/8; Transit Advisory Board of 2/9

Library Board of Trustees Update from Meeting of 1/26/12

Proof of Publication for City Council Proceedings of 2/6, 2/9, and 2/16; and List of Claims and Summary of Revenues for Month Ended 1/31/12

Upon motion the documents were received and filed.

Notice of Claims and Suits: Gerald Hingtgen on behalf of Judy Hingtgen for personal injury. Upon motion the documents were received, filed and referred to the City Attorney.

Disposition of Claims: City Attorney advising that the following claims have been referred to Public Entity Risk Services of Iowa, the agent for the Iowa Communities Assurance Pool: Gary Jameson for property damage, Duane Koppes for vehicle damage, Thomas Ruff for property damage, and Stephen Schreiner for vehicle damage. Upon motion the documents were received, filed and concurred.

Code of Ordinances - Adoption of Supplement No. 7: City Clerk recommending adoption of Supplement No. 7 to the City of Dubuque Code of Ordinances. Upon motion the documents were received and filed and Resolution No. 60-12 Adopting Supplement No. 7 to the Code of Ordinances of the City of Dubuque, Iowa, was adopted.

Annual CLG Report to State Historic Preservation Office: City Manager recommending authorization for the Mayor to sign the 2011 Certified Local Government

Annual Report for submittal to the State Historical Society of Iowa. Upon motion the documents were received, filed, and approved.

Roshek Building Featured in National Park Service Brochure: City Manager transmitting the National Park Service's Federal Tax Incentives for Rehabilitating Historic Buildings Annual Report for Fiscal Year 2011 featuring the Roshek Building. Upon motion the document was received and filed.

Grand River Center Exhibit Hall Carpet Replacement Project Acceptance: City Manager recommending acceptance of the The Grand River Center Exhibit Hall Carpet Replacement Project as completed by Floor Show Companies in the final contract amount of \$83,462. Upon motion the documents were received and filed and Resolution No. 61-12 Accepting the Grand River Center Exhibit Hall Carpet Replacement Project and authorizing the payment of the contract amount to the contractor was adopted.

Mines of Spain Land & Water Conservation Fund Grant Application: City Manager recommending approval of the 2012 Land & Water Conservation Fund grant application in the amount of \$175,000 to the Iowa Department of Natural Resources for acquisition and development of the Bottoms property, a planned expansion of the Mines of Spain State Park. Upon motion the documents were received and filed and Resolution No. 62-12 Authorizing LWCF Grant application to the Iowa Department of Natural Resources for acquisition and development of the E.B. Lyons Interpretive Area addition was adopted.

Golf Professional Position: City Manager recommending approval to create a Golf Professional part-time salaried employee within the Recreation Division budget to comply with audit recommendations eliminating the contract position. Upon motion the documents were received, filed, and approved.

Dubuque Jaycees - Veterans' Memorial Park Lease: City Manager recommending approval of a one-year agreement with the Dubuque Jaycees to operate a community garden at Veterans' Memorial Park. Upon motion the documents were received, filed, and approved.

Final Plat - Wingate Place No. 5: City Manager recommending approval of the Final Plat of Wingate Place No. 5. Upon motion the documents were received and filed and Resolution No. 63-12 Authorizing Approving the Final Plat of Wingate Place No. 5 in the City of Dubuque, Iowa, was adopted.

Comprehensive Traffic Analysis - 9th Street & 11th Street One-Way to Two-Way Conversion: City Manager recommending that a work session be set for April 2, 2012, at 5:30 p.m. to discuss the preliminary findings of the 9th Street and 11th Street one-way to two-way conversion study and the analysis of existing traffic signal timings in the Downtown Central Business District. Upon motion the documents were received, filed, and approved.

Dubuque Metropolitan Area Solid Waste Agency: Correspondence from the Dubuque Metropolitan Area Solid Waste Agency (DMASWA) transmitting the Agency's Fiscal

Year 2013 budget and fee schedule as approved by the DMASWA Board of Directors. Upon motion the documents were received and filed.

Healthy Homes and Lead Hazard Control: Correspondence from the U.S. Department of Housing and Urban Development informing the City that its Healthy Homes and Lead Hazard Control Grant Program has received a Green Designation and that the program's overall performance is outstanding. Upon motion the documents were received and filed.

Dubuque Drug Task Force Civilian Staff: City Manager recommending that the City contribute 50 percent of the wages and benefits for the Grant Coordinator position in the Dubuque Drug Task Force for Fiscal Year 2013 and Dubuque County would pay the remaining 50 percent. Upon motion the documents were received, filed, and approved.

Request for Proposals - Alarm Panel Monitoring: City Manager recommending issuance of a Request for Proposals for providing alarm monitoring equipment at the Dubuque Communications Center. Upon motion the documents were received, filed, and approved.

Revisions to Park Pavilion Rental Fees: City Manager recommending approval of the changes to park pavilion rentals for the 2012 season as recommended by the Park and Recreation Commission. Upon motion the documents were received, filed, and approved.

Mines of Spain Master Plan Update - Bottoms Property: City Manager transmitting an update on the Mines of Spain master plan process being undertaken by the Iowa Department of Natural Resources for the Bottoms property, a planned expansion of the state park and requesting that the City Council provide any comments or reactions to the draft master plan concept(s) and survey results. Upon motion the documents were received and filed.

Improvement Contracts / Performance, Payment and Maintenance Bonds: Purina Drive Weigh Scale House Building Project. Upon motion the document was received and filed.

Tobacco Compliance - Civil Penalty for Tobacco License Holders: City Manager recommending approval of the Tobacco Compliance Settlement Agreement for a first offense with Kohinoor Grocers, 1198 White Street. Upon motion the documents were received, filed, and approved.

Tobacco Compliance - Civil Penalty for Tobacco License Holders: City Manager recommending approval of the Tobacco Compliance Settlement Agreement for a second offense with Kohinoor Grocers, 1198 White Street. Upon motion the documents were received, filed, and approved.

Alcohol License Applications: City Manager recommending approval of annual liquor, beer, and wine licenses as submitted. Upon motion the documents were received and filed and Resolution No. 64-12 Applications for beer, liquor, and/or wine permits, as

required by City of Dubuque Code of Ordinances Title 4 Business and License Regulations, Chapter 2 Liquor Control, Article B Liquor, Beer and Wine Licenses and Permits was adopted.

### **ITEMS TO BE SET FOR PUBLIC HEARING**

Motion by Jones to receive and file the documents, adopt the resolutions, set the public hearings as indicated, and direct the City Clerk to publish notice as prescribed by law. Seconded by Connors. Motion carried 7-0.

Hunter Equity - Development Agreement: City Manager requesting that a public hearing be set for March 19, 2012, on the disposition of approximately 12.4 acres in the Dubuque Industrial Center West to Hunter Equity, LLC for construction of an 80,000 sq. ft. distribution center for Fed-Ex. Upon motion the documents were received and filed and Resolution No. 65-12 Resolution of Intent to dispose of an interest in City of Dubuque real estate and fixing the date for a public hearing of the City Council of the City of Dubuque, Iowa on the proposed and the execution of a development agreement relating thereto with Hunter Equity, LLC and providing for the publication of notice thereof was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 19, 2012 in the Historic Federal Building.

Voluntary Annexation- 10924 Key West Drive: City Manager recommending that a public hearing be set for March 19, 2012 on the annexation request by Catherine C. Christopherson for 10924 Key West Drive. Upon motion the documents were received and filed and Resolution No. 66-12 Approving application for voluntary annexation of territory to the City of Dubuque, Iowa, was adopted setting a public hearing for a meeting to commence at 6:30 p.m. on March 19, 2012 in the Historic Federal Building.

### **BOARDS/COMMISSIONS**

Applicants were invited to address the City Council regarding their desire to serve on the following Boards/Commissions; applicant appointments will be made at the next City Council meeting.

Civil Service Commission (Mayor appointment). One three-year term through April 6, 2015 (Expiring term of Takes). Applicant: Betty Takes 1245 Dunleith Court. Proof of publication on 30-day notice of list of applicants. Ms. Takes spoke in support of her appointment.

Appointments to the following commissions:

Cable TV Commission (New Commission). Seven three-year staggered terms consisting of three terms through July 1, 2014; and four terms through July 1, 2015. Applicants: George Herrig, 2395 W. 32nd Street; Sr. Carol Hoverman, 1555 White Street; Pauline Maloney, 506 St. George Street; Kevin Stevens, 2016 Golden Eagle Drive; Jennifer Tigges, 4927 Wild Flower Drive; Alan Vincent, 1010 Dunham Drive. Upon roll call vote George Herrig, Sr. Carol Hoverman, Jennifer Tigges, and Alan Vincent were appointed to three-year terms through July 15, 2015. (All Council Members voting for Tigges and Stevens; Lynch, Resnick, Sutton, Braig, Buol, and Connors voting for Herrig; and Resnick, Braig, Buol and Connors voting for Hoverman)

Motion by Braig to appoint Pauline Maloney and Kevin Stevens to three-year terms

through July 15, 2014. Seconded by Jones. Motion carried 7-0.

Mechanical Board: Two three-year terms through March 16, 2012 (Expiring terms of Grothe and Valaskey). Applicants: David Grothe, 2544 Elm Street; and Corey Valaskey, 1385 Alta Vista Street. Motion by Braig to appoint David Grothe and Corey Valaskey to three-year terms through March 16, 2015. Seconded by Lynch. Motion carried 7-0.

## **PUBLIC HEARINGS**

Request to Amend Planned Unit Development - Asbury Plaza (Tabled from January 17, 2012): Proof of publication on notice of public hearing to consider a request by O'Connor & Thomas, P.C., Asbury Dubuque, LC, and Richardson Investments, LLC to amend the Asbury Plaza Planned Unit Development to allow for a right-in/right-out access to the Northwest Arterial and to amend the list of permitted uses, height and sign regulations and the Zoning Advisory Commission recommending approval.

Correspondence from Peter Arling, O'Connor & Thomas Law Firm, requesting that the request be tabled to the April 16, 2012 City Council meeting.

Correspondence from Tri-State Trail Vision, requesting the City Council deny the request.

City Manager recommending additional amendments to the Asbury Plaza Planned Unit Development.

Motion by Connors to remove from the table. Seconded by Braig. Motion carried 7-0.

Motion by Connors to receive and file the documents and table to April 16, 2012. Seconded by Jones. Motion carried 7-0.

Upon motion the rules were suspended allowing anyone present to address the City Council.

Flint Hills Resources Pine Bend, LLC - Lease Agreement: Proof of publication on notice of public hearing to consider approval of a riverfront lease agreement between the City of Dubuque, Iowa, and Flint Hills Resources Pine Bend, LLC and the City Manager recommending approval. Motion by Jones to receive and file the documents and adopt Resolution No. 67-12 Approving the disposal of an interest in real property owned by the City of Dubuque by lease between the City of Dubuque, Iowa and Flint Hills Resources Pine Bend, LLC. Seconded by Braig. Motion carried 7-0.

Vacating Petition - Portion of Innovation Drive: Proof of publication on notice of public hearing to consider a request by the City of Dubuque to vacate a portion of Innovation Drive, that the vacated portion (Lot 2-B) be combined with City property to the east for final platting, and that easements for utilities be reserved over the entire vacated area and the City Manager recommending approval. Motion by Braig to receive and file the documents and adopt Resolution No. 68-12 Vacating a portion of Innovation Drive in the City of Dubuque, Dubuque County, Iowa. Seconded by Connors. Motion carried 7-0.

Upon motion the rules were reinstated limiting discussion to the City Council.

## **ACTION ITEMS**

Greater Dubuque Development Corporation - What's NEXT? 2017 Campaign: Executive Director Rick Dickinson provided a video and verbal presentation on Greater Dubuque Development Corporation's What's NEXT? 2017 Campaign. Motion by Lynch to receive and file the information. Seconded by Connors. Motion carried 7-0.

Final Plat - Dubuque Industrial Center North Second Addition: City Manager recommending approval of the Final Plat of Dubuque Industrial Center North Second Addition and authorize the Mayor and City Clerk to sign on behalf of the City of Dubuque as owner and as platting authority. Motion by Braig to receive and file the documents and adopt Resolution No. 69-12 Approving the Final Plat of Dubuque Industrial Center North Second Addition in the City of Dubuque, Iowa. Seconded by Jones. Motion carried 7-0.

Code of Ordinances - Vacant and Abandoned Buildings Update: City Manager recommending approval of an update to the Vacant and Abandoned Buildings Ordinance to incorporate the use of the International Property Maintenance Code, and to update the definitions of abandoned buildings and vacant buildings. Motion by Jones to receive and file the documents and that the requirement that a proposed ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be passed be suspended. Seconded by Connors. Motion carried 7-0.

Motion by Jones for final consideration and passage of Ordinance No. 20-12 Amending City of Dubuque Code of Ordinances Title 14 Building and Development, Chapter 4 Licensing of Vacant and/or Abandoned Buildings, Section 1 Definitions and Section 1- Relationship of License to Other Codes by Incorporating Use of the International Property Maintenance Code and Updating the Definitions of Abandoned and Vacant Buildings. Seconded by Braig. Motion carried 7-0.

City of Dubuque Support for Commercial Property Tax Reform: City Manager submitting letters of support for commercial property tax reform to legislative representatives. Motion by Connors to receive and file the documents and approve the recommendation. Seconded by Rensick. Lynch stated that he will support this, but that it is hard on small business owners like himself, and he hopes for meaningful, equitable compromise as the State Legislature works through this issue. Motion carried 7-0.

There being no further business, upon motion the City Council adjourned at 7:16 p.m.

/s/Kevin S. Firnstahl  
City Clerk